

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SALLY FITZGERALD, an individual; on behalf of herself and all others similarly situated, v. GRAND CIRCLE, LLC d/b/a OVERSEAS ADVENTURE TRAVEL	CIVIL ACTION NO. 20-2586
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ORDER

AND NOW, this 20th day of October, 2020, upon consideration of Defendant Grand Circle LLC's Motion to Dismiss Amended Complaint and/or Compel Arbitration (ECF 13), and the Response and Reply thereto (ECF 14 and 15, respectively), and for the reasons given in the accompanying Memorandum, it is hereby **ORDERED** that Defendant's Motion is **GRANTED** in part and **DENIED** in part, as follows:

- The Court severs the Overseas Adventure Travel Passenger Agreement's requirements that consumer claims must proceed in arbitration exclusively located in Boston, Massachusetts and with equal division of costs;
- The Court denies Grand Circle LLC's motion to dismiss the Amended Complaint;
- The Court compels arbitration through JAMS, subject to the non-severed terms of the Overseas Adventure Travel Passenger Agreement; and
- The Court stays the present litigation pending arbitration.

It is **FURTHER ORDERED** as follows:

1. All proceedings are stayed until further Order of the Court;
2. The case shall be transferred to the Civil Suspense File;
3. The Clerk of the Court shall mark this case closed for statistical purposes;
4. The Court shall retain jurisdiction over the case and the case shall be returned to the Court's active docket in 365 days or upon further order of the Court;

5. Counsel shall provide a written status report to the Court every six (6) months;
and
6. The entry of this Order shall not prejudice the rights of the parties to this
litigation.

BY THIS COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge

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